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FSB and Ken Thompson

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Third Party Defendants/Libellees

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2
3 PLEASE TAKE NOTICE THAT on Friday, March 28, 2008, at 9:00 a.m. in Courtroom 10
4 of the United States District Court for the Northern District of California, located at 450 Golden
5 Gate Avenue, San Francisco, California, Defendant World Savings Bank, F.S.B. ("World") and Ken
6 Thompson (collectively, "Defendants") will and hereby do move this Court for an order dismissing
7 Plaintiff's first Amended Complaint ("FAC").

8
9 Plaintiff's FAC fails to identify facts sufficient to state a cause of action and, therefore,
10 should be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6) and/or 12(c). Moreover,
11 Plaintiff failed to file his FAC within the time prescribed by the Court's January 23, 2008 Order and,
12 therefore, should be dismissed for that reason as well. Further, Plaintiff fails to plead his causes of
13 action with sufficient specificity and his FAC should be dismissed pursuant to Federal Rule of Civil
14 Procedure 12(e). Finally, Plaintiff's FAC should be dismissed because it does not allege facts
15 sufficient to show that this Court has jurisdiction over the instant matter.

16
17 Defendants' Motion is based on this Notice of Motion and Motion, the accompanying
18 Memorandum of Points and Authorities and such other evidence the Court may choose to consider at
19 the hearing on Defendants' motion.

20
21 DATED: February 13, 2008.

22 REED SMITH LLP

23 By /s/ Keith D. Yandell

24 Jack R. Nelson

25 Keith D. Yandell

26 Attorneys for Defendants World Savings Bank,
27 FSB and Ken Thompson